THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.9943 OF 2000

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ORAL ORDER:

This writ petition is filed seeking a declaration that the action of the respondents in trying to dispossess the petitioners from the house-sites situated in Sy.No.117/3 out of Ac.1.53 cents of land situated in Nathayyapalem village, Gajuwaka Mandal, Visakhapatnam district, as arbitrary and illegal.

The writ petitioners claimed that having purchased the plots in question under registered sale deeds from one K. Sanyasi, they are in possession and enjoyment of the same. Alleging that the respondents have been trying to disposses them highhandedly, this writ petition has been filed to declare the action of the respondents as arbitrary and illegal.

A counter-affidavit has been filed by the Mandal Revenue Officer, Gajuwaka, stating that the vendor of the petitioners by name K. Sanyasi was found to be a surplus holder by the Special Officer and Competent Authority under the Urban Land (Ceiling and Regulation) Act, 1976 (for short "the Act") and, pursuant thereto, the land in question vested with the Government by virtue the notification under Section 10(3) of the Act way back in the year 1984. While contending that the petitioners cannot claim any title on the basis of the sale deeds executed by a surplus holder, it is stated that steps are being taken to issue house-site pattas in respect of the said land to weaker sections and Ex-servicemen.

The petitioners have not filed any affidavit in reply, nor any other material is placed before this Court contradicting the stand taken in the counter-affidavit.

Thus, it is clear that the proceedings under the Act have become final and the surplus land stood vested in the Government. Hence, the

mandamus as prayed for cannot be granted.

Accordingly, the writ petition is dismissed. However, this shall not preclude the petitioners to proceed against their vendor for redressal of their grievance, if any, by working out the appropriate remedy as available under law.

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(G. ROHINI, J.)

20th September, 2007.
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THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.9943 OF 2000

20th September, 2007.

Between:

G.V. Satyanarayana and others. .. Petitioners.

And

The District Collector,
Visakhapatnam and another. .. Respondents.